

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

GREGORY R. RAIFMAN, et al.,

**Plaintiffs,**

VS.

WACHOVIA SECURITIES, LLC, et al.,

## Defendants.

Case No: C 11-02885 SBA

## ORDER

Dkt. 28

The parties are presently before the Court on Plaintiffs' motion for administrative relief. Dkt. 28. Plaintiffs request that the Court consider a late-filed declaration in opposition to Defendants' motion to dismiss, which was filed 19 minutes late on September 9, 2011. Dkt. 27. Defendants do not oppose this request. Plaintiffs also request that the Court allow Plaintiffs to "note" their "anticipated" motion for leave to file a first amended complaint at the same time the Court considers Defendants' motion to dismiss on December 6, 2011. Defendants oppose this request on the ground that they will be prejudiced by having to respond to deficiencies in newly presented allegations merely by way of a reply, as opposed to an opening brief and reply. Dkt. 29. Accordingly,

IT IS HEREBY ORDERED THAT the Court GRANTS Plaintiffs' unopposed request that the Court consider their late-filed declaration, Dkt. 27, in connection with the December 6, 2011 hearing on Defendants' motion to dismiss. Furthermore, to avoid prejudice to Defendants, Plaintiffs are directed to file their motion for leave to file an amended complaint within 14 days of the date of this order. Plaintiffs' motion for leave to file an amended complaint will be heard at the same time and place as Defendant's motion to dismiss on December 6, 2011. Dkt. 12. The briefing schedule applicable to Plaintiffs'

11

28

1 motion is as set forth in the Court's Local Rules and Standing Orders, and provides  
2 Defendants with the opportunity to fully oppose any new allegations asserted by Plaintiffs.

3 IT IS SO ORDERED.  
4  
5

6 Dated: October 6, 2011  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

  
\_\_\_\_\_  
SAUNDRA BROWN ARMSTRONG  
United States District Judge